

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM C. TOTH JR., *et al.*,

Plaintiffs,

v.

LEHIGH M. CHAPMAN, in her official
capacity as Acting Secretary for the
Commonwealth, *et al.*,

Civil No. 1:22-CV-00208

Defendants,

v.

CAROL ANN CARTER, *et al.*,

Intervenor-Defendants.

Designation on Application to Convene a Three-Judge District Court

Present: Michael Chagares, *Chief Circuit Judge*

Before the court is an application to convene a three-judge district court, which is opposed, in part.¹ Docs. 3, 36, 37-1, 47, 59, 61. Title 28, Section 2284 of the United States Code authorizes the convening of a three-judge district court “when an action is filed challenging the constitutionality of the apportionment of

¹ The defendants and intervenor-defendants do not oppose a three-judge district court as to Claim 3 of the plaintiffs’ second amended complaint because they do not raise a jurisdictional challenge to that claim. They do, however, assert that the court should refrain from convening a three-judge district court prior to resolution of the jurisdictional motions to dismiss. *See* Docs. 58–61.

congressional districts.” The second amended complaint challenges the constitutionality of the apportionment of congressional districts in Pennsylvania.

Doc. 49. As such, pursuant to 28 U.S.C. § 2284(a), this action must be heard and determined before a district court of three judges.

Accordingly, I hereby designate a Three-Judge District Court pursuant to 28 U.S.C. § 2284 as follows:

Kent A. Jordan, *Circuit Judge*
Patty Shwartz, *Circuit Judge*
Jennifer P. Wilson, *District Judge*

to hear and determine this cause in accordance with the law. Judge Jordan shall preside.

The Clerk of Court of the District Court shall process this order forthwith.

s/Michael Chagares
Chief Judge, United States Court
of Appeals for the Third Circuit

Dated: March 3, 2022